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Defendant Gary W. Rodrigues

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

JEANNE K. ENDO,	)	CIVIL NO. 03-00563 LEK
	)	
Plaintiff,	)	
	)	
vs.	)	THIRD-PARTY DEFENDANT
	)	GARY W. RODRIGUES' OB-
UNITED PUBLIC WORKERS,	)	JECTIONS TO PLAINTIFF'S
AFSCME LOCAL 646, AFL-	)	DEPOSITION DESIGNA-
CIO,	)	TIONS; CERTIFICATE OF
	)	SERVICE
vs.	)	
	)	
GARY W. RODRIGUES,	)	
	)	
Third-Party	)	TRIAL: May 13, 2008
Defendant	)	
	)	

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**THIRD-PARTY DEFENDANT GARY W. RODRIGUES' OBJECTIONS TO PLAINTIFF'S DEPOSITION DESIGNATIONS**

Third-Party Gary W. Rodrigues hereby objects to the deposition designations submitted by Plaintiff on the grounds that the Plaintiff cannot demonstrate that Mr. Rodrigues is unavailable to testify in person and has made absolutely no effort to subpoena Mr. Rodrigues or otherwise secure his presence to testify at the trial of this case. Mr. Rodrigues can be served with a subpoena at the institution in which he is confined or, alternatively, could testify by telephone or video conferencing. Accordingly, since Mr. Rodrigues is reasonably available to testify in person, if the party seeking to offer his testimony were to make the necessary arrangements, there is no basis or justification for admitting any portions of his deposition testimony.

Moreover it is submitted that the only purpose for seeking to admit portions of the deposition testimony is to enable the Plaintiff to then turn around and attack Mr. Rodrigues' credibility by offering evidence of his criminal conviction and otherwise inadmissible evidence of his alleged bad character.

Finally, in the event that any deposition testimony by Mr. Rodrigues is admitted, over the objections of his counsel, he hereby reserves the right to offer other portions of his deposition and for that purpose counter

designates the entire deposition from which certain excerpts may be selected.

DATED: Honolulu, Hawaii April 29, 2008.

/s/ Eric A. Seitz

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Defendant Gary W. Rodrigues

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Plaintiff,	)	
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	)	
UNITED PUBLIC WORKERS,	)	
AFSCME LOCAL 646, AFL-	)	
CIO,	)	
	)	
vs.	)	
	)	
GARY W. RODRIGUES,	)	
	)	
Third-Party	)	
Defendant	)	
_____	)	

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that a true and correct copy of the foregoing document was duly served this date to the following via CM/ECF at the addresses listed below:

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DATED: Honolulu, Hawaii, April 29, 2008.

/s/ Eric A. Seitz  
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